

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Handwritten initials and date: #1-12

In re Application

Inventor(s): James F. Zucherman, Ken Y. Hsu, Charles J. Winslow, John Flynn  
Appln. No.: 09/978,386  
Confirm. No.: 4255  
Filed: October 16, 2001  
Title: CURVED DILATOR AND METHOD

PATENT APPLICATION

Art Unit: 3731  
Examiner: Vy Q. Bui

Customer No. 23910

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 24, 2003.

\_\_\_\_\_  
(Attorney Signature)  
Sheldon R. Meyer, Reg. No. 27,660  
Signature Date: December 24, 2003

**REQUEST FOR CONTINUED EXAMINATION UNDER 37 C.F.R. §1.114**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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TECHNOLOGY CENTER R3700

Dear Sir:

Applicants hereby request continued examination of the above-identified utility patent application. The subject patent application was filed on or after June 8, 1995 and this paper is being filed prior to the earliest of: (1) Payment of the issue fee, unless a petition under 37 C.F.R. §1.313 is granted; (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. 141, or the commencement of a civil action under 35 U.S.C. 145 or 146, unless the appeal or civil action is terminated. 37 C.F.R. §1.114(a).

**Transmitted with this communication are the following:**

- ☒ Response B under 37 C.F.R. §1.116.
- ☒ A Petition for an Extension of Time under 37 C.F.R. §1.136.
- ☒ A Statement of the Substance of the Interview under 37 C.F.R. §1.2.

12/30/2003 SDENB0B1 00000090 061325 09978386  
01 FC:2801 385.00 DA

**Previously submitted are the following:**

\_\_\_\_\_ Consider the Amendment(s)/Response under 37 C.F.R. §1.116 previously filed on [date of mailing].

\_\_\_\_\_ Other: \_\_\_\_\_

**Small Entity Statement**

☒ Applicant(s) qualify for small entity status under 37 C.F.R. §1.27.

**The fee associated with this communication has been calculated as shown below:**

☒ A fee of \$385.00 is due pursuant to 37 C.F.R. §1.17(e) for the filing of this Request for Continued Examination.

☒ A fee for extension of time for response under 37 C.F.R. §1.136 filed within 1 month after the original time for response of \$ 55.00 is due.

\_\_\_\_\_ A fee of \$130.00 is due under to 37 C.F.R. §1.17(h) for filing a Request for Suspension of Action *for cause*. [37 C.F.R. §1.103(a)]

\_\_\_\_\_ Applicant(s) respectfully request a refund of this fee because, as more fully set forth in the Request for Suspension of Action, Applicant(s) submit that the cause of the suspension is the fault of the Patent and Trademark Office.

\_\_\_\_\_ A fee of \$130.00 is due under to 37 C.F.R. §1.17(i) for filing a Request for Suspension of Action *not* for cause. [37 C.F.R. §1.103(c)]

\_\_\_\_\_ A fee for addition of claims under 37 C.F.R. §1.16 is due as follows:

| FEES   | Claims<br>Remaining<br>After<br>Amendment | Highest<br>Number<br>Previously<br>Paid For | Present<br>Extra | Rate<br>Small Entity/Other<br>Than Small Entity | Total  |
|--|---|---|------------------|---|--------|
| TOTAL CLAIMS<br>(37 CFR 1.16(c))   | <u>8</u> -                                | <u>46</u>                                   | <u>0</u>         | X \$ 9.00<br>X \$ 18.00                         | \$0.00 |
| INDEPENDENT<br>CLAIMS<br>(37 CFR 1.16(b))                                  | <u>2</u> -                                | <u>8</u>                                    | <u>0</u>         | X \$ 43.00<br>X \$ 86.00                        | \$0.00 |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM PRESENT<br>(37 CFR 1.16(d)) |   |   |                  | + \$145.00<br>+ \$290.00                        | \$0.00 |
|  |   |   |                  | TOTAL   | \$0.00 |

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

\*\* If the "Highest Number of Previously Paid For" in this space is less than 20, enter "20".

\*\*\* If the "Highest Number Previously Paid For" in this space is less than 3, enter "3".

The total fee required with this communication is \$ 440.00 and is to be paid as follows:

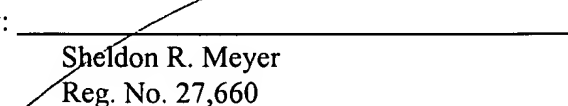
☒ Please charge Deposit Account No. 06-1325 in the amount of \$440.00. A duplicate copy of this authorization is enclosed.

☐ A check in the amount of \$\_\_\_\_\_ is enclosed.

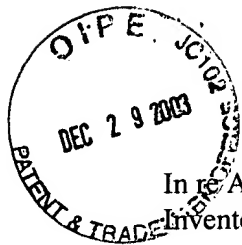
☒ The Commissioner is hereby authorized to charge any deficiencies or credit overpayment to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

Date: 12/24/03

By:   
Sheldon R. Meyer  
Reg. No. 27,660

FLIESLER DUBB MEYER & LOVEJOY LLP  
Four Embarcadero Center, Fourth Floor  
San Francisco, California 94111-4156  
(415) 362-3800



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Sheldon R. Meyer, Reg. No. 27,660

Signature Date: December 24, 2003

(Attorney Signature)

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Transmitted with this communication in connection with the above-identified application are the following:

- ☒ A Request for Continued Examination under 37 C.F.R. §1.114.
- ☒ A Response B under 37 C.F.R. §1.116 to the Office Action dated August 27, 2003.
- ☒ A Petition for an Extension of Time under 37 C.F.R. §1.136.
- ☒ Applicant(s) qualify for small entity status under 37 C.F.R. §1.27.
- ☒ A Statement of the Substance of the Interview under 37 C.F.R. §1.2.

The fee associated with this communication has been calculated as shown below:

- ✓ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been established.
- ✓ A fee for extension of time for response under 37 C.F.R. §1.136 filed within 1 month after the original time for response of \$ 55.00 is due.
- ✓ A fee of \$385.00 is due pursuant to 37 C.F.R. §1.17(e) for the filing of this Request for Continued Examination.

The total fee required with this communication is \$ 440.00 and is to be paid as follows:

- ✓ Please charge Deposit Account No. 06-1325 in the amount of \$ 440.00. A duplicate copy of this authorization is enclosed.
- ✓ The Commissioner is hereby authorized to charge any deficiencies or credit overpayment to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

Date:

Dec 28, 2005

By:

Sheldon R. Meyer  
Reg. No. 27,660

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